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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/617,706	07/14/2003	Howard E. Rhodes	M4065.0100/P100-B	3719	
24998	7590 05/14/2004		EXAM	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L STREET NW			NGO, NG	NGO, NGAN V	
	ON, DC 20037-1526		ART UNIT	PAPER NUMBER	
*		•	2814		
			DATE MAILED: 05/14/2004	· · · · · · · · · · · · · · · · · · ·	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Saminer Nama Nago 2814		Application No.	Applicant(s)				
Period for Reply		10/617,706	RHODES, HOWARD E.				
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11 Responsive to communication(s) filed on	A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from	nely filed s will be considered timely. the mailing date of this communication.				
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Art Unit: 2814

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-16 and 71-86, drawn to a semiconductor device, classified in Class 257, subclass 290.

II. Claims 17-70, drawn to a process for making a semiconductor device, classified in Class 438, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case unpatentability of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by processes materially different than those of the group II invention. For example, selectively forming the opaque conductive layer over photo-collection region; therefore, the step of "selectively removing said opaque conductive layer" in claim 17 is not needed.

Because these inventions are distinct for the reasons given above and, as shown by the above different classifications, the fields of search are not co-extensive and separate examination would be required, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Any inquiry concerning this communication should be directed to Examiner Ngan Ngo at telephone number (571) 272-1711. The fax number for the Art unit is (703) 308-7722.

Art Unit: 2814

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Ngan Van Ngo Primary Examiner

Ngan Ngo

May 10, 2004